

Military Government

Weekly

Information Bulletin



OFFICE OF THE DIRECTOR
OFFICE OF MILITARY GOVERNMENT (U. S. ZONE)
UNITED STATES FORCES EUROPEAN THEATER

REPORTS AND INFORMATION BRANCH

Greater Hesse, Württemberg-Baden



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MILITARY GOVERNMENT

WEEKLY

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OFFICE OF THE DIRECTOR
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MILITARY GOVERNMENT LETTERS AND INSTRUCTIONS ISSUED DURING THE WEEK

Amendments to the Directive to Commanding Generals,
Military Districts, dated 7 July 1945, Subject: Administration
of Military Government in the U. S. Zone of Germany.

Amendment concerning denominational schools,
superceding provisions of Par. 14, Section VII,
Part I

26 January 1946
AG 461.01 GEC-AGO

Functional Channels

28 January 1946
OMGUS

Civilian Employment with Military Government, European
Theater

28 January 1946
AG 230.14 GAP-AGE

Scheduled Vetting of Reichspost and Transportation Employees

30 January 1946
GEC-EX 014.12
(Germany)

Enforcement of Theater Letter of 26 November 1945

31 January 1946
GEC 388.4 (Germany)

Possession by Military Personnel of German Indigenous Cur-
rency in any Denomination or of other Continental Currency
Notes which Exceed Certain Denominations

1 February 1946
AG 123 GAP-AGO

Status of Non-Employment Mandatory Categories

2 February 1946
AG 230 GEC-AGO

Information on Officer Integration

1 February 1946
AG 210.3 AGE

Overseas Separations to Accept Employment as Civilians
with U. S. Forces in European Theater

2 February 1946
AG 210.8 x 220.8
GAP-AGE

Removal of Nazis and Militarists in the German Reichspost

4 February 1946
AG 014.1 GEC-AGO

IS GERMANY SHORT OF LABOR?

BRIGADIER GENERAL FRANK J. MC SHERRY
DIRECTOR MANPOWER DIVISION OMGUS

Manpower concerns human resources. We commonly say that a country is rich in natural resources. We rarely hear anyone boast that his country is rich in human resources: We don't envy China or India.

The manpower problem, therefore, may be said to consist of how to employ human beings. An harmonious combination of these factors is difficult to achieve, but it is generally agreed that an orderly, organized society cannot exist unless an effort is made to approximate this ideal. For this reason there are manpower divisions in all the Allied military governments of Germany, and a co-ordinated policy on manpower is being sought. Beyond vigilant guidance, concerning productivity and democratization however, the problem belongs to the Germans themselves.

DEMOGRAPHIC CHANGES

Germany today proves that population and manpower are not synonymous. A large number of people does not necessarily mean that a large amount of labor is available. Germany is rich in the former and poor in the latter. A count of heads would show nearly as many people as ever. By the end of this year 66 to 67 million people may inhabit what is left of the Old German Reich. The present rump Reich, an area

only two-thirds as large as that of republican Germany, will have to support a population only 4 percent smaller than it was in May 1939. The American occupied areas already have a population 10 percent greater than the same areas in 1939, and before the end of 1946 the increase will probably be over 25 percent — 19 million people instead of 15 million.

The upward trend of the population runs counter to usual developments during and after a war. It invalidates all estimates made before and immediately after V-E day, because it was not foreseen that all Germans in Reich territories annexed by the USSR and

Is there enough labor in Germany to clothe, feed and house 67 million Germans? Military Government thinks not, but except for guidance and democratization, places the problem on the Germans to solve. The Manpower Division of OMGUS tells why there is a labor shortage, and what the Germans are doing about it.

Poland would be evicted along with Volksdeutsche in Czechoslovakia and Hungary. The United States at the quadripartite level agreed to accept in the American zone, 2,250,000 Germans expelled from these territories. The expulsion, and by inference the influx into the American zone, was agreed to be "orderly," both for humanitarian and practical reasons. Trainloads of these "expellees" will double the population of the majority of rural Kreise to which they must be directed in order to keep them out of the ruined cities. The unauthorized refugees from Eastern Europe and from other zones in Germany may swell the influx by another 500,000 this year.

The "expellees" and refugees combined with the devastations of war has changed the whole structure of the population. The devastation in terms of human lives, stamina and efficiency cannot be measured so easily or so accurately as the number of houses destroyed, railway trackage plowed up or bridges demolished. The most conspicuous however, are the preponderance of women and the scarcity of young men. The combat age group, men aged 18 to 35, has been decimated. And since the best labor is also drawn from this age group, the effects on the labor force are serious.

WAR-DEPLETED POPULATION

Under normal conditions of population growth there would now have been 10 million men aged 18 to 35 in the territory of the Old Reich proper. Today only 7,500,000 of them are believed to be alive. That is a decrease of 25 percent, accepting the lowest estimate of military deaths (300,000) and assuming that somewhat over 80 percent of all the German war dead were in the combat age group.

At least another 25 percent are still prisoners of war. About a million, or 10 percent of the total in the age group, are believed to have been permanently incapacitated at the front by shot or shell, disease or frost. Of another 10 percent originally rejected as unfit for military service, a part — probably 100,000 — is unsuited for manual labor. A fraction of those exempted from the draft because they held key positions in civil life were killed in air raids, in concentration camps or during the fighting.

It adds up to the fact that about 4 million of the original 10 million men in the prime of life are left in Germany for hard work in civilian occupations. The war and its aftermath has cut out six of every 10. No one knows exactly how many there are left, but the figure of 4 million is deemed a fair estimate.

The stamina of the whole working population and of boys now coming to the age of 18 has been undermined physically and psychologically by malnutrition and the strain of the last few years. Present physical examinations and uncovered records of the Wehrmacht recruiting offices show this very plainly. There was a marked deterioration in the fitness of young men from year to year during the war, and in spite of the lowering of medical standards the number of army rejects increased proportionately. In 1944 one out of every four drafted men in the combat age group had to be deferred from combat training in order to pass "fattening up courses" of from two to three months.

Comprehensive or comparable figures today are not available. Recent medical examinations of the unemployed in Heidelberg revealed that only 15 percent could be classed as fully employable. The present caloric allowance in food rations has undoubtedly contributed to these findings. In December, 15 percent of the registered labor force of over half a million in the Berlin sector of the American zone was classed as unemployable. This was 35 percent of the total unemployed. The high percentage is partly explainable by the fact that the registered age groups were from 14 to 65 for men and 18 to 45 for women. Students, housewives and others were considered unemployable because they were not in a position to take jobs. In Bavaria under similar registration circumstances unemployables and partial employables constituted over 55 percent of the recorded unemployed.

SEX RATIO

The greatly reduced number of able-bodied men and the decline in physical condition of the remainder naturally lowered the percentage of the male population available for manual labor, the type of labor most needed. The decrease

in the number of adult males also had the effect of increasing the proportion of females in the total population. In 1939 there were 105 females of all ages in the Old Reich for every 100 males. More than 20 years of natural population increase had not made good the losses in men of World War I. The disproportion between males and females after World War II is being accentuated by the influx of "expellees" and refugees, an abnormally high percentage of whom are female.

The net result of both these factors — the war losses in men and the increase in women — is that the percentage of employables in the total population has declined. In the present American-occupied areas of Germany slightly more than half the total population was gainfully employed before the war. This includes the so-called family helpers but excludes housewives. On an average the labor of one person supported one other. Registration figures indicate that at the present time only about a third of the population is working or able to work. And it is very possible that in the near future one working German will have to support three non-workers.

FULL-TIME WORK UNPROFITABLE

General economic conditions at the moment favor the trend towards a lower working population. The incentive to work is not great. Spending power is limited by food rationing, fixed prices and the scarcity of clothing and other consumers' goods. City dwellers with some savings and personal possessions can live better by foraging for food and fuel than by working for paper marks.

Curtailed spending power is also one of the main causes of absenteeism. Labor office estimates in cities such as Ulm show that office and factory illness and avoidable absenteeism are on the increase. When people can earn all they may legitimately spend by working fewer than the official 48 hours a week,

they find that taking time off to cut and haul firewood, for example, increases their standard of comfort more than working for wages. All factors considered, the rate of absenteeism is probably higher than the estimated 20 percent. During the war a rate of 10 to 12 percent was considered normal and unavoidable. In bombing target areas the rate in 1944 was 15 to 17 percent, even in high priority war industries where every conceivable inducement was offered to keep employes at work full time.

HUMAN RECONVERSION PROBLEM

The war has brought about a special problem of reconversion. In the United States reconversion is largely a matter of reconvertng war industries and maintaining purchasing power. In Germany the problem is mainly the conversion of manpower, which means re-allocation and re-training. The ban on the production of war materials required by the Allies, the restrictions on heavy industrial production in general and the Allied decision to hold the German standard of living at a level no higher than the European average will necessitate major readjustments in the occupational structure of Germany. How revolutionary this change will be can only be surmised because quadripartite decisions about the permitted level of industrial activity are still pending.

The picture of May 1939 is worth bearing in mind. At that time 22.5 percent of the population in the present American occupied areas, excluding Berlin, were dependent on agriculture and forestry for a livelihood; 38.5 percent were dependent on manufacturing; 15.1 percent on trade, commerce and transport; 9.7 percent on public service or free professional activity; 1.3 percent on domestic service and 12.3 percent on social insurance benefits, pensions or interest on investments. Since the end of the war the percentage dependent on agriculture has greatly increased and will

probably continue to increase, while all other occupational groups will probably decline.

Some occupational adjustments are being made voluntarily, but there is widespread reluctance, especially on the part of former office workers, to take more menial jobs. To encourage and speed such adjustments is one of the foremost problems today.

A study of three Regierungsbezirke in Bavaria showed that 15 per cent of all male employed and 8 per cent of all female employed were working in occupations outside those in which they were registered at the labor office. About 27 percent of the male white-collar workers were doing something else, so were 22 percent of the engineers and technicians, 19 percent of the metal workers, 18 percent of the food industry workers and 13 percent of the transport workers. In Württemberg-Baden, it is estimated that there are 50 male applicants and 55 female applicants for every vacancy of the white collar type.

Throughout the American zone unemployment and the need for labor exist side by side. The job openings are largely in agriculture, forestry and the construction trades, for all of which varying degrees of brawn and skill are required. There is also a large unsatisfied demand for male common labor, though there is a surplus of unskilled female labor. Vocational direction and re-training seem to be the only solution for the Germans.

VOCATIONAL RETRAINING

Training schools, especially for the building trades, are operating in practi-

cally all the large cities of the American-occupied areas. They cater in general to two types: (1) youths and returned war veterans who have not had civilian jobs, and (2) adults who used to work at trades which have no future or which are no longer vital. Standards have had to be lowered and the apprenticeship period cut in many places from the normal three years to two.

The re-training courses vary from three weeks to six months. To fill immediate needs some labor offices are conducting advertising campaigns to attract labor to the building trades. The results have not been startling but they have been sufficient to assure the success of the emergency program for the winterization of houses damaged by bombs.

Steps have been taken to rehabilitate the disabled and the handicapped. Under German law still in force factories are required to employ at least two percent of disabled employees, but owners as a general rule are loath to comply.

The tasks German officials have tackled under supervision of MG are stupendous. Progress has been slow because it has taken a long time to restore administrative machinery. And when all is said and done manpower is not on isolated problem. Its solution depends (and what labor officer isn't continuously reminded of it!) on the supply of coal and power for industries, on transport, on raw materials, on adequate working clothes, on economic conditions generally, to say nothing of the intangible incentives such as hope and faith in the future.

ARE YOU BEING

Followed?

THE **WIB** IS EAGER TO FOLLOW YOU
WHEREVER YOU GO. BUT FIRST, YOU'VE
GOT TO TELL US WHERE YOU'VE GONE.
PLEASE REMEMBER . . .

**NOTIFY US PROMPTLY OF
CHANGE OF ADDRESS**

... AND INCLUDE BOTH YOUR OLD AND
NEW ADDRESS WHEN YOU WRITE.

GERMAN JUSTICE



The launching of a revised criminal code in all three Länder of the US Zone seeks to re-establish humanitarian and equitable principles in the administration of justice.

REVAMPED

When Allied Forces under General Eisenhower's command broke through the Siegfried Line and swept across the Rhine, they found that civil litigation had come almost to a standstill and that what there was left of criminal justice had been subverted to the demands of total war. They did not come unprepared for the emergency.

Courts were closed completely for a time to permit the vetting of personnel which, as in other branches of German government, had been largely infected with nazism, and to provide an opportunity for eliminating the worst features of nazi doctrine. Long and careful study of the more than 9,000 laws, ordinances and decrees enacted since 1933 had convinced the Allied command that outright repeal of all such legislation was neither feasible nor desirable but that a more painstaking surgical process was required. The worst laws were suspended at once, and general principles were laid down to reestablish certain fundamental concepts of justice and to prevent the application of any invidiously discriminatory laws pending the completion of the survey of German law. Finally, before criminal justice could function properly in German courts, their independence had to be re-established, their jurisdiction fixed, and applicable procedure settled in detail so that every one could be certain what law governed. This has now been accomplished, within the U.S. Zone by a revised code for the administration of criminal justice.*

TO FREE THE COURTS

To restore in Germany the rule of law, which is essential to liberty and true democracy, it was necessary first to guarantee the independence of the judicial process from outside interference. Thus, while the power of the executive in the appointment of judges and in the administrative supervision of the courts was recognized and maintained, the shackles which the nazi tyranny had put upon the German judiciary were struck off. A law for the administration of justice was announced which recognized judicial independence as a basic objective. This principle was extended to all of Germany by the Control Council which proclaimed that "Judges will be independent from executive control when exercising their functions and owe obedience only to the law. Access to judicial functions will be open to all who accept democratic principles without regard to race, social origin or religion. The promotion of

*In the article, "New Criminal Justice for Germany," published in *Weekly Information Bulletin* No. 2, p. 6, it was reported that the revised codes would be given effect by Military Government law. In view of the fact that the codes are in German text, however, and in line with the policy that German authorities assume primary responsibility for legislation and for the operation of the machinery of government, it was felt more appropriate to enact these codes as German legislation and it was so agreed at the meeting of the Ministers of Justice at Stuttgart on December 18, 1945. In the British Zone, similar codes were placed in operation by instructions to judges but have since been declared to be law by a Military Government ordinance.

judges will be based solely on merit and legal qualification.”* Although these precepts seem self-evident to us every one of them had been honored by the nazis only in the breach.

HITLER'S TOOLS

When Hitler assumed power, he did not find that all judges were passionately devoted to democracy or even hostile to nazi theories and doctrines. The leniency of the courts toward nazi and militarist violence against political adversaries and against the state itself had been a factor in undermining respect for law and weakening the foundations of the Weimar Republic. Many judges, however willing they may have been to apply faithfully such legislation as the nazi machine poured upon the statute books, were by reason of their training reluctant, perhaps unable, to become dynamic instruments of nazi policy. They had difficulty in giving a nazi twist to still-unrepealed pre-nazi law or disregarding it when convenient, and in using forcefully and to “good purpose” the discretionary clauses, such as the new analogy principle in the criminal code. The party, especially as represented by those without legal training, was impatient. It was not content to have on the bench judges who were mere lackeys but wanted men imbued with the fanaticism of the “old fighters.”

Despite the facade of legalism behind which the regime liked to carry on its schemes, this thought runs through utterances of nazi “bigwigs” in that period though always carefully hedged with phrases giving lip service to judicial freedom. Thus one assault after another was made upon the judicial system. These assaults were successful in a passive sense: Judicial independence was reduced to a mere shadow. They did not, on the whole, succeed in infusing into the courts a pas-

sionate zeal for advancing the nazi revolution of their own accord.

The attack took various forms. Power over the courts was acquired by the centralization of the administration of justice, in 1934 and 1935, under the Reich Ministry of Justice. The law permitting removal of any official who could not be relied upon to support the national socialist state unreservedly at all times was applied to judges. A few years later this appeared somewhat softened by enactment of a provision that retirement of a judge for such cause could not be based on the material content of a decision. Yet these measures did not seem sufficient. On April 26, 1942, Hitler, using the Reichstag as a sounding board, denounced the judiciary for its leniency and failure to recognize the call of the times. The Reichstag, utterly disregarding “so-called vested rights” and prescribed procedures, confirmed the sweeping power of the Führer, to punish, divest of his rank and remove from office any judge or other official who failed to do his duty as a “German.” This started the attack in earnest.

JUSTICE COERCED

The Minister of Justice regularly issued confidential letters (Richterbriefe) to judges and prosecutors who, of course, knew what awaited them if they did not “do their duty.” One can imagine the content of those letters. To cap the climax, the Presidents of the Oberlandesgerichte (the highest courts of the Länder) were admonished to keep themselves informed of important pending cases through the Presidents of the Senates, of those courts, and of the Landgerichte (the next lower courts). They were to meet personally with the Landgerichts-Präsidenten from time to time and offer advice and counsel to them in a “comradely way” should difficulties exist. Bluntly stated, this was an injunction to exercise political influence upon the decision of individual

*See Article IV of Control Council Proclamation No. 3.

cases. Finally, junior judges were attached to certain courts and judges with the understanding that they were to act under instruction.

JURISDICTION CURTAILED

In view of the attitude of the nazi party toward the regular courts and its lack of success in converting such courts into spearheads of nazi policy, it is not surprising that the regime greatly curtailed their jurisdiction and largely transferred it to other tribunals. Thus, the People's Courts and certain so-called "Sondergerichte" (special courts) were created, staffed with reliable nazis, and given jurisdiction to try various types of political offenses, certain economic offenses, and any other offense brought before them by the public prosecutor. Orders and acts of the Gestapo, as well as of the ordinary police on political matters, were placed beyond the jurisdiction of the regular courts by special legislation in Prussia and by tacit understanding elsewhere.

Disputes between the party and its members, or between members of the party, were decided by party courts unless such courts consented to the submission of the case to a regular court. Jurisdiction of the police to impose fines and imprisonment for offenses — so-called "PolizeiStrafverfügungen" — was substantially extended. Jews, Poles, and other special groups discriminated against were placed beyond the jurisdiction of any court and exclusively within the power of the police. Finally, the police and the Gestapo were given the right, without accusation of any breach of the law and without trial, to impose "protective custody" either in jail or in the justly-feared concentration camps. All these encroachments upon the liberty of the individual and the jurisdiction of the regular courts have now been swept away, by the new criminal code.

A problem which requires further consideration involves the re-introduction of

the lay element into the judicial system of the German criminal courts.

Prior to 1939, lay judges (Schöffen) sat with a regular judge in the Amtsgericht (the lowest regular criminal court) as a so-called "Schöffengericht" (lay assessors' court) in the trial of some of the more serious types of offenses. At the Landgericht there were two criminal tribunals, the Great Criminal Chamber (Grosse Strafkammer), and the Small Criminal Chamber (Kleine Strafkammer). The Great Criminal Chamber was composed of three regular judges and two lay assessors (Schöffen) and had jurisdiction of all major offenses not within the jurisdiction of the Amtsgericht, whereas the Small Criminal Chamber (1 judge, 2 assessors), acted as court of appeals against judgments of the Amtsrichter.

JURORS REDUCED

The court of assizes (Schwurgericht) was used for the trial of the most serious crimes, other than treason and similar offenses. The term "Schwurgericht" had been a misnomer ever since 1924 when the "Geschworenen" (jurors) were reduced from twelve to six and their functions so changed as to convert the court into what was in fact indistinguishable from a large "Schöffengericht" composed of three professional judges and six jurors.

The distinction between the two courts is this: In a Schöffengericht, which is an institution indigenous to Germany, the lay assessors sit and decide upon all questions with the regular judges, including questions of fact and law and the ultimate question of guilt. In the traditional jury court, which was introduced in Germany in 1877 and taken from the Anglo-American system, the jurors, usually twelve, sit separately from the judge's bench, take their instructions in the law from the judges, and in secret session apply the instructions to the facts as found by them and deliberate upon a verdict which they

report to the court. At the outbreak of the war, the participation of lay judges at both levels was abolished.

TRIAL BY JURY?

The new codes give authority to the Ministers of Justice to reintroduce the institution of lay judges at both levels and to determine how such courts should be constituted, their jurisdiction, and their procedure. The reinfusion of the lay element into the judicial process as soon as conditions permit is undoubtedly desirable in order to democratize the administration of criminal justice in Germany.

Whether these mixed courts should be recreated in the old form, existing up to September 1, 1939, or whether a traditional jury system should be created is, however, a different question. While we have always regarded trial by jury as essential to the preservation of our liberties, it can hardly be insisted that this form of mixed court be imposed upon the German people regardless of German experience. Jury courts have been fairly popular here, but they have met with considerable criticism on the part of legal writers and of judges whose experience with them has not been a happy one. Eventually, of course, the Germans will be able to decide through their legislatures which system they desire or whether both should be used. In the meantime, the choice may be left to the Ministers of Justice.

JURISDICTION

Under the new codes, the jurisdiction of the Amtsgericht will be limited to the imposition of fines, sentences of detention, imprisonment not exceeding five years without hard labor, and imprisonment not exceeding two years with hard labor. The Landgericht, as a court of first instance, will have jurisdiction of all cases in which the Amtsgericht would not have jurisdiction to impose appropriate punishment.

It will depend to a large extent upon the judge of the Amtsgericht and the public prosecutor to determine provisionally what, in the event of conviction would be an appropriate punishment and thus before which court the matter should be brought to trial.

NAZI LAW vs. NEW CODES

Some of the more salient differences between the Nazi law and the new codes affecting the rights of the accused, deserve mentioning.

1. *Rights pending trial:* Apart from the very important abrogation of the power of the police to confine persons obnoxious to the regime without charge or trial, a vital difference exists between Nazi law and the new law in encroachments upon the accused's liberty and property rights pending trial. Nazi law gave the public prosecutor broad powers to order searches and seizures and issue warrants for arrest on his own responsibility. Under the Nazis a man's home was neither castle nor refuge, and his liberty was cheap.

Moreover, the duty of the court periodically to review the propriety of a person's detention, painstakingly regulated before the advent of the Hitler regime by the so-called Lex Höfle, was reduced to a mere sham by Nazi amendments converting pre-existing provisions to a four-line theoretical requirement that the court constantly consider on its own motion whether continuation of custody is necessary or proper. The old provisions, with their meticulous regard for individual liberty and their requirement of careful review of pre-trial custody at fixed intervals will now be restored. The public prosecutor will no longer be able to order arrests or searches and seizures without prior judicial order, except when delay would be dangerous. In such an event judicial approval must be promptly obtained thereafter.

Continued on page 22

Religious Study Is Optional

in Public Schools USFET Orders

No German school which draws on public funds shall compel a student to attend classes for religious instruction, or refuse children the possibility of receiving religious instruction, it has been ordered by USFET, in a statement of agreed quadripartite policy and implementing instructions.

When a suitable number of students is available, such religious instruction shall be given as an optional part of the regular school curriculum in school buildings and in school time for not less than two hours a week. No teacher may be compelled to give such instruction.

The appropriate German authorities will determine all matters concerning denominational schools drawing on public funds, religious instruction in German schools and schools maintained and directed by various religious organizations in accordance with local traditions. The wishes of the population will be taken into consideration insofar as they can be determined and in conformity with the general directives governing the control of education in all subjects and all schools, including the purging of personnel and curricula.

At the request of parents, guardians, or of such other persons as may have the legal right to determine the education of the child, schools of their creed or philosophy of life are to be established within the framework of the general system of elementary education, provided a suitable number of pupils is concerned.

Currency Possession

Possession by U.S. military personnel of German-issue currency (Reichsbank currency) in any denomination will be considered sufficient cause for investigation as to source and as to means by which it was acquired, USFET again has pointed out in connection with the revising of a currency directive of last April.

Also considered a cause for investigation will be possession of Belgian, French, Netherlands or Austrian currency in denominations greater than the following: Belgian fr. 1,000; French fr. 5,000; Netherlands 100 florins; Austrian 1,000 schillings.

The above figures do not pertain to the total amount which may be held in an individual's possession but refer only to the denomination of each.

Appropriate disciplinary action will be taken in cases where the facts uncovered by the investigation warrants.

Denazification

Reichspost employees removed as nazis or militarists may not be demoted to common labor if qualified persons of higher employment priority are available, states a USFET directive. Local labor office facilities will be used to help locate such qualified personnel.

Centers for Civilianization

Major commands have been directed by USFET to establish separation centers and take final action to discharge military personnel to accept civilian employment in the theater.

Personnel will not be sent to reinforcement depots for separation.

Hiring of Ex-PWs

Repatriated German prisoners of war considered for employment by Military Government or by the German civil government must be re-screened by the Special Branch before hiring, in accordance with the appropriate denazification directives, USFET has ordered. Experience indicates that such re-screening is necessary to eliminate undesirable candidates.

Many words have been spoken, many directives written, defining and describing MG policy in Germany. Few have expressed our policy as tacitly and simply as the OMGUS order reprinted below. MG personnel should bear in mind in all dealings with Germans the last statement in the order; "The efficiency of the German Government is not itself our responsibility except as a lack of efficiency interferes with the execution of the approved United States policy."

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U. S.)
Office of the Deputy Military Governor
APO 742

AG 014.1 (AG)


16 January 1946

MEMORANDUM TO: All OMGUS Personnel

INSTRUCTIONS TO MINISTER PRESIDENTS

1. It is desired that the following instructions be at hand for constant reference.
2. In general, the instructions to Minister Presidents should be confined to the fullest extent possible to the delineation of policies and should avoid detailed instructions as to the execution of such policies.
3. The German Länder Governments should be required to prepare and present plans for execution of policy for the approval of Military Government. The action of Military Government on such plans should be based only on the compliance of the proposed plans with United States policy and not on its views of the efficiency of the plan. The efficiency of German government is not in itself our responsibility except as a lack of efficiency interferes with the execution of approved United States policy.

FOR THE DEPUTY MILITARY GOVERNOR:


F. W. MARSHALL
Lieutenant Colonel, AGD
Adjutant General

Telephone BERLIN 42031

Fragebogen Priority

USFET has instructed Special Branch offices to give priority attention to handling backlogged fragebogen of Reichspost and transportation employes. Deadlines scheduled by previous directives for vetting these employees have already passed without being met.

Nazis Must Go

Steps designed to correct the situation whereby substantial numbers of persons are being retained in their work, contrary to denazification directives, have been taken by USFET.

Special Branch officers on 15 February and on the 15th of each month thereafter will submit a report to the detachment directors with information copies to the Land Offices of Military Government and to Headquarters USFET listing the following:

a. The names of all persons in non-employment mandatory categories who have been retained or employed contrary to directives from USFET, showing the position held by each and including the function, such as public safety, legal, public health, etc.

b. The same information on all persons in non-employment mandatory categories on whom action sheets have been outstanding for more than 30 days.

On receipt of such a report, the detachment directors will issue orders to the appropriate local German authorities to remove all persons who have been so listed and who have been

retained or employed contrary, to USFET directives. The directors will also submit a report on the last day of each month indicating the date on which each person was removed.

Functional Channels

The continued transfer of functions and personnel from the Office of Military Government (U.S. Zone), Frankfurt, to the Office of Military Government for Germany (U.S.), which in some functions has already resulted in the transfer of the entire responsibility to Berlin, increases the necessity for utilization of functional channels directly from Berlin to the Land Offices of Military Government.

A recent USFET directive stipulates that functional communications enunciating new policy or directing execution of a new program, where the main office is in Berlin, will be prepared by the office or division concerned for transmittal to the directors of the Land Offices of Military Government over the Chief of Staff's signature. This also will be done for any functional communication resulting from a staff study requiring approval of the Deputy Military Governor or the Chief of Staff. Information copies will be sent to the Office of Military Government (U. S. Zone) by the Secretary General.

In functional fields closely related to army activities, or where operating responsibility is still at Frankfurt, all proposed directives will be sent to the Office of Military Government (U. S. Zone), which will effect the necessary coordination within Headquarters, USFET, and arrange publication in Frankfurt.

Civilian Job Applications

The procedure to follow in applying for civilian employment with Military Government, European Theater, has been outlined in a USFET directive.

The applications will be initiated by executing Standard Form No. 57, "Application for Federal Employment," or facsimile thereof, in duplicate, together with a letter requesting employment as a civilian after discharge from the armed forces.

Both copies of Form 57 and the letter of request will be forwarded to the headquarters having custody of the applicant's personnel records (Service Record, Soldier Qualification Card, etc.). The office having these records will indorse the letter of request giving the following information: Sick record; assignment record; character and efficiency ratings; all violations of Articles of War, stating charges and disciplinary action (a negative statement will be made when the individual has no record of breach of military discipline); and approval or disapproval, with reasons if disapproved. Also, a statement of any other factor bearing on the suitability of the applicant for federal employment is desired.

The original application and the indorsed letter then will be forwarded to the nearest civilian personnel office, which will review the applicant's qualifications in connection with existing vacancies within its jurisdiction and will, in appropriate cases, take necessary action to effect the employment of the individual concerned. Applications that cannot be utilized locally will be referred in sequence through higher echelons so that the applicant will be considered for all theater vacancies. If there is no suitable vacancy in the theater, the individual will be so advised by the Adjutant General, Headquarters, USFET, and the application will be properly classified and filed in that office for consideration for future vacancies.

The duplicate application, with a signed copy of the indorsement, will be forwarded direct to Headquarters, USFET, APO 757, Attention of Director, Office of Military Government (U.S. Zone).



Where Was The Ultra-Right In the Recent Election?

*Reports from Greater Hesse and
Württemberg-Baden Indicate Pos-
sible Consolidation of Forces in the
Coming Länder Voting.*

All who have studied the results of the recent Gemeinde elections held on the 20th and 27th of January in the United States Zone were no doubt struck by the fact that, for all practical purposes, no extreme right political party was able to poll more than an insignificant fraction of the votes cast. It was variously assumed that many of the conservatives who would have voted for candidates of the right were disfranchised because of their nazi affiliations, and that many others had "seen the light" and swung over to the less extreme conservatism represented by the "Christian" parties. Furthermore, it was noted that the so-called independent candidates and splinter parties polled an extraordinarily large percentage of the votes cast. Many of these were, no doubt, non-political votes, but many more, there can be no question, were cast by people whose sympathies and allegiance would have gone to a recognized ultra-conservative party, had any such presented itself with sufficiently energetic leadership to enlist support.

The failure of the right, then, must be attributed more to a lack of organization and leaders than to a lack of followers. If, before the next elections, a conserva-

tive party with capable leaders were to be established in the United States Zone, it can be safely assumed that it could challenge the lead taken by the "Christian" parties. Such a party could count upon support from conservative Protestants who are none too happy in the self-styled non-denominational confessional parties, from malcontents who did not vote or who voted "independent" tickets, and from the splinter parties.

GREATER HESSE REPORTS

Summary of MG reports from Greater Hesse offers the following analysis of the position and role of the rightist parties in that area. The weaknesses, inconsistencies and contradictions of the rightist parties throughout the Zone are exemplified in the situation here given.

"The German 'Right,' the party of the second part in Harzburger Front, has until now been in hibernation, with a few of its intellectuals resting on the laurels earned by their remote connection with the "20 July Plot." Some activity can now be noted, however, and though only a vulgarization of their program has been publicized by the National Democratic Party, its main points are ready to be put before the public. The leaders of

this group are few in number but because of their positions in university circles they are playing important roles in present public life. A basic point in their program is, strangely enough, a condemnation of the Weimar Republic, with its multiple party system. It is not the nazi regime, therefore, but the Weimar constitution which allegedly made nazism possible, that is bearing the brunt of their criticism.

In order to avoid future repetition of the mistakes of Weimar these conservative elements are now advocating adoption of the two party system. To accomplish this aim they propose to eliminate the party list system of election and to replace it with single candidate election districts. They hope thereby to give candidates who cannot conform to the narrow framework of party discipline a chance to come before the voters. They claim it will also result in a better selection of representatives and will give the German people an intellectual leadership.

To safeguard the hegemony of this leadership it is proposed to restrict the franchise to persons over 25 years of age with certain other qualifications. The executive agencies representing the majority party are to be given legislative powers or powers of legislation by decree. The tendency is to promote a government as strongly centralized as the Allies will permit, based upon a federation of about ten Länder of equal size whose formation is to be based upon economic and political aspects rather than upon tradition.

HARZBURGER PROGRAM

The program of the former Harzburgers is based on the traditional policies of the propertied class, but is clothed in the erudite language of college professors. They advocate a free economy with the functions of the state limited to police powers and the prevention of unfair practices. They reject the con-

cept of the national guilt of the German people as well as the denazification program. Guilt, it is claimed, can be shared only by rational beings who are in control of their destinies. A people who are merely the objects of political policy rather than its formulators cannot be charged with crimes in which premeditation is an essential element. The proponents of this ideology are at the moment restricted to the intellectual circles of the university towns. A number of industrialists are now beginning to join them, however.

FREE ENTERPRISE SUPPORTED

The National Democratic Party, with headquarters in Bad Nauheim, is advocating a coarse vernacular version of this program, eulogizing the system of private property and castigating the state for its interference in the economic process. It advocates the restoration to private owners of many of the state-owned enterprises. Economically the state is to be organized on an estate system, with all Germans falling into one of the seven proposed estates. Each estate is to arrange all matters concerning its members, including wages, hours of work, public welfare, etc. The state itself is not to engage in or subsidize any enterprise in competition with private entrepreneurs. A two party system akin to the English is advocated. One of the parties is to be a National Democratic Party, which is to unite all non-Marxian elements. Other points in the program are the reorganization of Germany into a federal state with Frankfurt as its capital, abolition of proportional representation by the institution of the single seat electoral district, and the formation of a West European Confederacy of Nations under the leadership of Great Britain.

The National Democrats are now attempting to organize on a Land level in Greater Hesse. Dr. H. Leuchtgens, leader of the party, has been busying himself with the alignment of individuals in dif-

ferent Kreise for organizational purposes. In Wiesbaden several politically indistinct and nondescript individuals are trying to form another Kreis organization at his request.

The leadership of the Christian Democratic Union is watching very closely all developments on the right. They consider all attempt to form new parties as mere political charlatanism. Some of its leaders, however, are complaining about the reactionary tendencies emanating from the Church itself and tending to disrupt Christian unity.

The internal organization of Germany is another moot question with the Christian Democrats. While some are inclined towards a federation, others also advocate that such a federation be headed by Bavaria. Several members of the Greater Hesse executive committee have proposed a two party system based on a strong Christian Democratic Union and a strong Socialist Party. The former, they say, is programmatically tolerant enough to include anyone who is to the right of the Socialists except the anti-democratic and intransigent elements."

WÜRTTEMBERG-BADEN REPORTS

(Reprinted)

Present political leadership in Germany is very conscious of the liabilities it inherited from the ill-fated Weimar Republic and of the disrepute into which German democratic leadership has fallen. To divest itself of these liabilities and to restore the prestige of the democratic movements of the days preceding the advent of Hitler to power, is a primary concern of German political leadership today. It is seeking to accomplish this by disavowing the collective guilt of the Germans for the rise of nazism and the

fall of the Republic and distributing responsibility among domestic and foreign political and economic interests.

Among the cardinal principles guiding German political leadership today is that of independence. The idea is emphasized that Germany cannot commit herself to follow the lead of any foreign power without ultimately inviting internal and external strife. It is alleged that the present division into four zones, exposes Germany to the danger of becoming hopelessly split up into so many political camps. Such a split, it is argued, can be averted only if the political parties succeed in maintaining their organizational, and ideological independence and in resisting outside pressure to conform to any particular pattern or policy other than their own. The issue of so-called independence has become the cornerstone of the struggle of the Social Democrats and the parties of the Center against the Communists.

All parties, however, are committed to the national unity of the German Reich. A conscious effort is being made to rehabilitate the word nationalism, to restore to it its original and historic meaning, and to disengage it from its unhappy associations. German political leadership is convinced of the potency of the national thought in German life and is endeavoring to harness its force at the very beginning in order to direct it into constructive channels and identify it with democracy and social progress. It is particularly anxious to prevent nationalism from becoming the rallying point of all anti-democratic and reactionary forces in the future and for this and other reasons, condemns all separatist, particularist, or federalist movements in Germany.



Prominent Anti-Nazi Proposes a

GERMAN STATE FEDERATION

"Who will be the leading men of Germany, if any, in the next five years?" commences a story by Edward P. Morgan in the **Chicago Daily News**.



As one possible candidate the writer puts forward "the tall, strange, striking figure of Dr. Hans Bernd Gisevius, who

would have been one of the ministers of the new cabinet if the July 20th attempt to assassinate Hitler had worked. Gisevius is six feet four, forty-one years old and human. He was among the inner circle of conspirators in the bomb plot and survived with his blond hair turned gray and a packet of experiences that now is keeping him busy writing books.

"Gisevius, himself, has not figured out what should be the solution of the German problem except that he believes Germany might best be handled as a federation of states. He is opposed to the re-establishment of a central German government, because he thinks that the Germans are not yet ready to bear the responsibility it involves without becoming aggressive again.

"Gisevius is somewhat vague about his own ambitions, but his knowledge of Germans is vast. There is an alarming dearth of administrative talent in Germany today. Gisevius, whose anti-Hitler scheming nearly cost him his life, looks like the kind of man who could be used to fill the gap.

"He once worked for the Gestapo, but was fired after three months and devoted most of his efforts from early in the Nazi regime to intriguing against Hitler and his henchmen."

"ACHT UND ACHT"

Hints of a new Nazi secret society known as the "8 and 8" have recently come to their attention, say Allied intelligence officers in Nürnberg according to a **New York Herald Tribune** dispatch. The officers had no evidence of its existence, however, "and were inclined to laugh off the report. The name is supposedly derived from the 8th letter of the alphabet, and the two eights stand for 'Heil Hitler'. Members are said to greet one another on the street with 'acht und acht.'"

BRITISH OCCUPATION

Major General Sir Brian Robertson, Field Marshal Montgomery's deputy in charge of the British Zone, speaking at a recent press conference, is credited by the **New York PM** as saying "that he and Montgomery felt very strongly that all their efforts would prove to have been wasted 'unless we solve the problem of German youth.' The British are convinced that they are going to have to keep a watchful eye upon German education, for many years. We are already turning the schools back to the Germans." General Robertson further stated that 11,000 teachers have so far lost their jobs in the British zone, not all of whom were Nazis.

"There were Germans with bad ideas in their heads long before Hitler came along," said the General. In conclusion, he touched on the US policy of "giving the German people democratic privileges with the hope that they will learn how to use them properly."

INTERNATIONAL LANGUAGE

Mrs. Eleanor Roosevelt announced recently that she would sponsor within UNO a move for compulsory teaching of one internationally understood language in the schools of the world. Addressing more than 400 soldiers in a London theater, Mrs. Roosevelt cited the many tongues spoken in the General Assembly and said "the language barrier is a very severe one — to international peace."

GERMAN INDUSTRIAL REVIVAL

The *New York Times* carries a news piece concerning U. S. plans "to supply Japan and the American occupation zone in Germany with the raw materials to permit the revived operation of certain key civilian industries. "Through arrangements made with the Commodity Credit Corporation by the War Department, 50,000 bales of American cotton will be shipped to the American zone of Germany. The new policy, which will also apply to the American occupation zones in Austria and Korea, was initiated by the State Department's Division of Economic Affairs. The suggestion was passed on to the War Department which was made responsible for procuring and initially financing such supplies for Germany as the U. S. would assume responsibility for in carrying out the objectives in the Berlin declaration."

UNO EYES U. S.

Great curiosity, says the *New York Times* is evidenced by UNO General Assembly delegates "about strikes in the United States and the demands of the

American soldier to go home. Specifically, they are asking how much the world can count on the power of the U.S. if its Army and Navy are going to melt away . . . and on the assurance of the executive branch of the U. S. Government when neither Congress, management nor labor seems very anxious to carry out the Administration's program. "Most of the questions are being asked by those who are relying on the U. S. to establish world security with its moral and physical strength . . . and deeply disturbed by what appears from London to be a "serious division within the American republic."

INTERNATIONALIZATION APPEAL

For the sake of French security and the peace of Europe, members of the French National Assembly with pre-war premier Edward Herriot notably in the forefront, addressed a plea to the U.S., Great Britain and Russia "to sanction the internationalization of the Ruhr and Saar areas, reports the *New York Herald Tribune*. Speakers . . . in a debate on foreign affairs emphasized that the main preoccupation of the French is the status of western Germany. Herriot reduced the French position to . . . coal."

FRATERNIZATION DELUXE

Critical attention is called in a *New York Post* story written by Edward P. Morgan to the arrangement whereby military personnel and accredited civilians are permitted to entertain German girls in their quarters inside the USFET Headquarters compound. The writer terms this practice "fraternization deluxe" which "technically is open to both officers and enlisted men." He inclines to the belief, however, that, since "there is more privacy in an apartment, say, than in a GI barracks this form of fraternizing, in actual fact, operates in favor of the officers."

U S A BEING WATCHED

Taking up the matter of the recent rise in I.G. Farben stock on the Hamburg Stock Exchange, Gabriel Heatter of the Mutual Broadcasting System expresses



the view that "Maybe a good many people in Germany are watching our industrial battle here at home and believe we have decided to liquidate each other (rather than I.G. Farben)

and that we'll be too busy doing that to worry about Germany's military comeback."

OCCUPATION DEMOBILIZATION

From Elmer Davis, speaking on the American Broadcasting Company network, comes the opinion that "Two things about the US are being carefully noted abroad: the soldiers' demonstrations demanding an immediate return home, and the multiplying evidence that most of us at home are more concerned in fighting each other than in trying to maintain the power and standing of the nation." The clamor may, at least, prove salutary, Mr. Davis asserts, in dispelling any notion abroad of American imperialistic designs. He believes, however, "our influence in international affairs is going to be gravely limited if we are unable to maintain enough of an Army abroad or to maintain it long enough to do our part in the occupation of enemy countries."

DISPERSED ARMY UNSOUND

John W. Vandercook of the National Broadcasting Company puts forth the argument that "No nation or empire, however powerful, has long succeeded in preserving a great land army when its geographical or political position is such as to require the stationing of much of that army in areas outside the homeland. The rulers who tried it discovered to their undoing that a large military force, if an attempt is made to scatter it too widely, becomes a source not of national strength but of national weakness."

ANOTHER DEMOB ATTITUDE

Morgan Beatty of the National Broadcasting Company remarks that "Disarmament is an objective that has defied the best talents of men for thousands of years. No nation is willing, except America it seems, to demobilize all of its military force, and even we seem to be doing it in fact without approving the idea in principle."

SOLDIERS NOT TOLD

In the opinion of Raymond Gram Swing, speaking of the American Broadcasting Company network, the War Department deserves praise for its wonderful job of training soldiers to fight but should be taken to task for not training them to think. It is his contention that "they were not told clearly and comprehensively what the war was about . . . what victory would mean in terms of responsibility. It's not their fault . . . (but) of the men who created and trained the Army. It may prove to have been one of the costliest and most tragic faults of the war which calls for more inquiry and cogitation than what happened or didn't happen at Pearl Harbor."

WD STAND DEFENDED

Siding with Acting Secretary of War Royall in his criticism of the American public who agree with the general principles of occupation and demilitarization of enemy nations while at the same time asking for demobilization, a Springfield Union editorial notes that:

"The War Department stand is defensible. It has a job to do — an important one — in connection with the problems of occupation. Troops are essential to the accomplishment of its mission. If the Army falls down on the job, it will be criticized. Therefore, the War Department seeks to hold as many men in uniform as it feels are required to do its job. The pub-



lic should give fair consideration to the War Department's point of view."

WE HAVE OBLIGATIONS

The *Houston Chronicle*, in an editorial, cautions "every citizen and every member of Congress to remember that the United States has assumed obligations under the terms of surrender in both Germany and Japan that call for the use of large and permanent forces. Generals MacArthur and McNarney cannot be expected to accomplish their assignments without the aid of adequate troops. Congress has the right to determine what the size of the various establishments shall be, but once it has done that, it should not attempt to dictate the decisions of the military commanders with respect to the men in service as long as those leaders operate within the framework of authority that Congress and the Constitution have given them. As a dominant world power, if not the dominant power, we must support our military force, not seek to destroy it."

SEND IDLE MEN HOME

In an editorial discussion of General Eisenhower's order to send home unneeded men regardless of points, the *Columbia State* advances the opinion that this action will save a lot of headaches, since, once a man becomes idle on a job, it is hard for him to see why he should stay around. In the soldier's own mind, "he has done his duty. Why not let him come home? And when that mental state obtains, unrest follows."

GI's DON'T UNDERSTAND

Unrest in the armed forces has been both evident and, perhaps, inescapable ever since the end of the war, says a *Norfolk Ledger-Dispatch* editorial. This unrest may be attributed to many minor causes, but, claims the editorial, the

major reason is simply a "lack of understanding by the men of the urgent necessity to make victory secure if the war sacrifices are to be of any value. The inordinate pressure on the home front for breakneck demobilization of the military organization will, unless it is reduced, jeopardize the objective for which we fought."

LA GUARDIA DEFENDS ARMY

Note is taken in a *New York Herald Tribune* editorial of an assertion by F. H. LaGuardia that blame for the tangled demobilization program rests less on Army officials and more on civilians — in the War Department and Congress. The editorial agrees that "Army brass hats have certainly served as a lightning rod for more Army discontent than is its just portion" but it also insists that by arbitrarily transferring the blame to civilian "felt hats there is danger in setting up a new symbol of ineptitude. To anear at the wearers of felt hats, or brass, takes in a little too much territory and opens the way to specious generalizations. After all, it is not the hat that matters, but the head that's under it."

JEWISH IMMIGRATION

Prospects now appear bright, a *Washington Post* editorial believes, for settling a much-discussed side of the Jewish immigration problem in light of the testimony of Robert Nation before the Anglo-American Committee of Inquiry on Palestine. It was estimated by Mr. Nathan that "Palestine can advantageously absorb 615,000 to 1,125,000 displaced Jews within the next ten years. President Tuman reiterated his belief that 100,000 Jews ought to be admitted to Palestine at once. Every consideration of justice and humanity should impel the British to accede to the President's request that this number be admitted."

Continued on page 23

2. *Assignment of counsel:* The nazis curtailed the right of the accused to have counsel assigned to him by the court when he did not have counsel of his own choice. As nazi laws stood at the time of occupation, the accused first, that they will speak only on subjects in which they are well qualified; qualified; second, that since they will be second, that since they will be well might be sentenced to a long term of penal servitude without having the assistance of counsel, and it was often left virtually to the prosecutor's discretion whether defense counsel should be obtained at all. Subject to some amendments necessary to adjust the text to present conditions the new code restores the law as it existed prior to 1933. This requires the court to assign defense counsel if the accused fails to select counsel and if the assignment is necessary on account of the gravity or difficulty of the case, and the accused is unable to defend himself. Counsel must also be assigned if the case is punishable by penal servitude, or if counsel is requested by the prosecutor or the accused, and in certain other cases.

3. *Indictment:* Nazi law made it unnecessary to state the results of the preliminary proceedings if this was "not required for the preparation of the trial," thus making futile the accused's right to have an indictment served upon him to present objections against hearing of the case, and to apply for obtaining evidence in his favor. The new code reverts to the former law which required that the indictment contain a legal definition of the charge, a description of the evidence to be adduced by the public prosecutor, and an account of the results of the preliminary proceedings.

4. *Witnesses, evidence:* Until 1942 the accused could enforce the attendance at the trial of witnesses whom the public prosecutor or judge had refused to call. This right, known

as the right of immediate summons (*unmittelbare Ladung*), has now been restored. The sweeping discretion of the court to reject evidence it did not regard as necessary for the ascertainment of the truth has now been limited by recognized standards. The right of cross-examination, abolished by the nazis even though in but limited use before 1933, has been restored.

5. *Appeal:* As the nazi law finally stood at the time of occupation, no appeal by the accused from a conviction was possible except by special permission of the trial court. Only the prosecutor could as of right take the case to a higher court regardless of such permission: That is, by resorting to the right of "extraordinary objection" which removed the case to the *Reichsgericht* (Supreme court) for a new trial, or by the so-called plaint of nullity. It seems safe to assume that the public prosecutor rarely if ever exercised this right in favor of the accused. Even when a case was taken to a higher court by the means still permitted and the conviction was sustained, a more severe penalty could be imposed than by the lower court. Thus, the accused often was taking a serious risk by applying for an appeal.

A more proper balance between prosecution and defense has now been created. The new code permits an appeal by the accused as of right from the *Amtsgericht* to the *Landgericht* on questions of fact and law. It grants, in effect, the right to a new trial before a higher court under the German procedure governing such appeals. It further authorizes the Ministers of Justice to provide by general order for a direct appeal, on questions of law only, to the highest court in the new judicial structure, the *Oberlandesgericht*. If a case is tried in the first instance before the *Landgericht*, an appeal on questions of law only now lies to the *Oberlandesgericht*. Finally, the

accused may no longer be prejudiced by an appeal taken by himself or by the prosecutor in his behalf.

PRINCIPLES OF JUSTICE

The fundamental principles of justice laid down at the beginning of the occupation and since in Zonal or Control Council legislation may be summarized as follows:

1. All persons shall be equal before the law.
2. No person shall be deprived of life, liberty, or property without due process of law.
3. No person shall be detained unless charged with a specific offense, nor shall any person be punished without lawful trial and conviction.
4. No charge shall be preferred, no sentence imposed, and no punishment inflicted for an act, unless the act is expressly made punishable by law in force at the time of its commission. Punishment according to the principle of analogy introduced by the nazi regime is prohibited.
5. No cruel or inhuman punishment may be inflicted, thus outlawing the punishment of castration. The death penalty is abolished, except for acts punishable by death under law in force prior to 30 January 1933 or promulgated by or with the consent of Military Government. Sentences imposed under the

Hitler regime on political, racial or religious grounds shall be quashed, and all punishments imposed prior to occupation and of a character prohibited by these principles and not yet carried out shall be modified to conform thereto or annulled. No sentence of death shall be carried out without the consent of Military Government.

6. In any criminal prosecution, the accused shall have the rights recognized by democratic law: To be informed of the nature and cause of the accusation, a speedy and public trial, the right to have witnesses in his favor, and assistance of counsel in his defense.

The new code will have to be interpreted, and any doubt or ambiguity resolved, in the light of these basic principles. It does not purport to be a definitive reform. It is rather a tentative review of the law governing the constitution and jurisdiction of the criminal courts and criminal procedure to furnish a working basis for immediate resumption of normal activities by these courts. More could doubtless be done to modernize and further liberalize the code so that it may eventually become a model for legislation of its kind. It is, however, the hopeful beginning of a new era in the administration of criminal justice in Germany.

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COMMENDABLE ACTION

The *Wilmington Journal* in an editorial commends General Eisenhower for ordering the return of overseas troops who are not needed and believes the action will put an end to any further disturbances. Also commended in the editorial was the "decision to take no disciplinary action against the men who have participated in the recent disturbances . . . and the announcement that the whole demobilization program is to be the subject of new and probable revision."

IMPLEMENT OF DIPLOMACY

It might as well be recognized by the American people, declares a *Springfield Union* editorial that a very natural alliance exists between armed might and diplomatic power. The editorial further points out that: "We are in a position where our armed forces implement our foreign policy. The war is not over . . . peace has not been concluded. Conditions in Europe and Asia are still critical and loaded with potential danger. Any person who reads even the headlines realize this. In such circumstances, the demobilization program . . . is an essentially sound one."

Station List

Military Government Elements

UNIT	LOCATION	OFFICE OF MILITARY GOVERNMENT	DIRECTOR OR COMMANDING OFFICER
UNITED STATES FORCES EUROPEAN THEATER			
Office of Mil Govt for Germany (U.S.) Berlin			Lt Gen Lucius D Clay
Office of Mil Govt (U.S. Zone) Frankfurt			Maj Gen C L Adcock

LAND WURTTMBERG-BADEN

Office of Mil Govt for Württemberg- Baden	Stuttgart		Col W W Dawson
1st Mil Govt Bn (Sep) (APO 758)			
Hq 1st Mil Govt Bn (Sep) Stuttgart			Col W W Dawson
Hq & Sv Co 1st Mil Govt Bn (Sep) Stuttgart			Lt Wm E Snodgrass
Mobile Maint Plat., Hq & Sv Co			
1st Mil Govt Bn (Sep) Zuffenhausen			1st Lt E Thompson
Hq 1st Mil Govt Med Gp Stuttgart			

Württemberg

E-1	Stuttgart	Württemberg	Col W W Dawson
F-10	Stuttgart	SK Stuttgart	Maj R H Stinson
F-11	Ulm	SK-LK Ulm	Maj J Owen
G-20	Aalen	LK Aalen	Maj M Hoover
G-21	Böblingen	LK Böblingen	Capt W A Becker
G-22	Craillsheim	LK Craillsheim	Maj T Taylor
G-23	Esslingen	LK Esslingen	Lt Col J I Taylor
G-24	Gmünd	LK Gmünd	Capt J N Krajnak
G-25	Göppingen	LK Göppingen	Maj J A Holbrook
G-26	Schwäbisch Hall	LK Hall	Capt H A Wyatt
G-27	Heidenheim	LK Heidenheim	Maj B V Bloom
G-28	Heilbronn	LK Heilbronn	Lt Col H M Montgomery
G-29	Ludwigsburg	LK Ludwigsburg	Capt H K Manson
G-30	Waiblingen	LK Waiblingen	Maj H W Freeman
H-50	Backnang	LK Backnang	Capt V J Manno
H-52	Künzelsau	LK Künzelsau	Capt W L Strauss
H-53	Leonberg	LK Leonberg	Capt R S Deetz
H-54	Bad Mergentheim	LK Mergentheim	Capt R Forrest
H-55	Nürtingen	LK Nürtingen	Maj S A Warren
H-56	Ohringen	LK Ohringen	1st Lt M Korson
H-58	Vaihingen	LK Vaihingen	Capt J G Cox

Landesbezirk North Baden

Co E	Durlach	Landesbezirk	Capt R T Lynch
E-7	Karlsruhe	North Baden	Col C Lisle
F-16	Mannheim	SK-LK Mannheim	Maj L L Lewis
G-43	Heidelberg	SK-LK Heidelberg	Lt Col I L Harlow
G-46	Pforzheim	SK-LK Pforzheim	1st Lt N Semaschko
G-47	Karlsruhe	SK-LK Karlsruhe	Maj W T Neel
H-87	Bruchsal	LK Bruchsal	Maj E V Le Blanc
H-89	Buchen	LK Buchen	Maj J A McGuinness
H-90	Moosbach	LK Moosbach	Maj N A Moore
H-91	Tauberbischofsheim	LK Tauberbischofsheim	1st Lt J Zecca
H-92	Sinsheim	LK Sinsheim	Capt H D Peterson

LAND GREATER HESSE

Office of Mil Govt
for Land Greater Hesse
Wiesbaden

Col J R Newman

2d Mil Govt Bn (Sep)
(APO 758)

Hq 2d Mil Gvt Bn (Sep) Wiesbaden
Hq Co 2d Mil Gvt Bn (Sep) Wiesbaden
Sv Co 2d Mil Gvt Bn (Sep) Oberursel

Col J R Newman
Capt F A Decker
Capt B Sturdevan

Regierungsbezirk Wiesbaden

E-5 Wiesbaden
E-6 Frankfurt
F-15 Wiesbaden
G-41 Wetzlar
H-77 Dillenburg

H-78 Gelnhausen

H-79 Hanau
H-80 Weilburg

H-81 Hofheim
H-83 Rüdelsheim

H-86 Bad Homburg

RB Wiesbaden
SK Frankfurt
SK Wiesbaden
LK Wetzlar
LK Dillkreis &
LK Biedenkopf
LK Gelnhausen &
LK Schlüchtern
SK-LK Hanau
LK Limburg &
LK Oberlahn
LK Maintaunus
LK Rheingau &
LK Untertaunus
LK Usingen &
LK Obertaunus

Col J R Newman
Lt Col F E Sheeman
Lt Col F A Sansome
Maj M Baymen

Maj D B Bernstein

Maj M E Chotas
Maj T Turner Jr

Capt E F Duffy
Capt J C Nelson

Maj J G Gavin
Capt O Kuntzleman

Regierungsbezirk Kassel

Co C Kirchhain
E-4 Kassel
F-14 Kassel

G-38 Fritzlar

G-39 Marburg
G-40 Fulda
G-48 Korbach
H-65 Eschwege

H-67 Hersfeld

H-68 Hofgeismar

ML-1 (Sp) Kassel

RB Kassel
RB Kassel
SK-LK Kassel &
LK Melsungen
LK Fritzlar-Homburg &
LK Ziegenhain
SK-LK Marburg
SK-LK Fulda & LK Hünfeld
LK Waldeck & LK Frankenberg
LK Eschwege &
LK Witzgenhausen
LK Hersfeld &
LK Rotenburg
LK Hofgeismar &
LK Wolfhagen
Liaison

1st Lt J F Owen
Lt Col A Skarry

Lt Col R Bard

Capt G De Nubla
Maj L S Williams
Maj C F Russe
Maj E J Dikeman

Capt W B Getmann

Maj T T Turnbull

Capt S C Moore Jr
1st Lt M Rogin

Regierungsbezirk Hessen

E-3 Darmstadt
F-12 Darmstadt

F-13 Offenbach
G-31 Bensheim
G-32 Büdingen
G-33 Dieburg
G-34 Friedberg
G-35 Giessen
H-62 Lauterbach
DP-20 Darmstadt

RB Hessen
SK-LK Darmstadt &
LK Gross Gerau
SK-LK Offenbach
LK Bergstrasse & LK Erbach
LK Büdingen
LK Dieburg
LK Friedberg
SK-LK Giessen
LK Lauterbach & LK Alsfeld

Lt Col R W Copeland
Lt Col L G Kelly

Capt E J Emerick
Maj A C Leggatt
1st Lt T A Norris
Capt J M Nutt Jr
Maj R J Willard
Maj D M Easterday
Capt H Nickelsberg
1st Lt A J Peyser

LAND BAVARIA

Office of
Mil Govt for
Bavaria Munich

Brig Gen W J Muller

3d Mil Govt Regt
(APO 403)

Hq 3d Mil Govt München
Hq Co München
Sv Co München
R & T Co München
3d MG Med Det Munich
3d MG Med Sec München

Col C C Morgan
Capt J W Preston
Maj A S Keller
2nd Lt W T Lyons
Lt Col E R Jenney
Maj M J Kanner

Regierungsbezirk Mainfranken

Co A	Ochsenfurt	RB Mainfranken
E-202	Würzburg	SK-LK Würzburg
F-210	Würzburg	SK-LK Aschaffenburg
G-220	Aschaffenburg	SK-LK Schweinfurt
G-221	Schweinfurt	LK Kissingen
H-250	Bad Kissingen	LK Kitzingen
H-251	Kitzingen	LK Alzenau
I-330	Alzenau	LK Brückenau
I-331	Brückenau	LK Ebern
I-332	Ebern	LK Gemünden
I-333	Gemünden	LK Gerolzhofen
I-334	Gerolzhofen	LK Hammelsburg
I-335	Hammelsburg	LK Hassfurt
I-336	Hassfurt	LK Hofheim
I-337	Hofheim	LK Karlstadt
I-338	Karlstadt	LK Königshofen
I-339	Königshofen	LK Lohr
I-340	Lohr	LK Marktheidenfeld
I-341	Marktheidenfeld	LK Mellrichstadt
I-342	Mellrichstadt	LK Miltenberg
I-343	Miltenberg	LK Neustadt a. d. Saale
I-344	Neustadt Saale	LK Obernburg
I-345	Obernburg	LK Ochsenfurt
I-346	Ochsenfurt	

1st Lt R E Handwerk
Lt Col M E Henderson
Lt Col J B Bradford
Maj C M Emerick
Lt Col J B Thomson
Capt M A Potter
Capt L A Mercadante
Capt K L Ellis
Maj H P Clark Jr
Capt R W Jones
Capt J J Widmann
Capt J M Simon
Maj E G Emery
Capt J R Ellis Jr
Capt E F Smith
Capt W E Brayden
Capt L F Girolani
Capt Elmer E Kelly
Maj M B Voorhees
Lt L K Owens
Capt D J Huffman
Capt E F Warnke
Maj B H Logan
Capt J R Crain

Regierungsbezirk Ober & Mittelfranken

Co C	Ansbach	RB Ober und Mittelfranken
E-203	Ansbach	SK-LK Nürnberg
F-211	Nürnberg	SK-LK Ansbach
G-228	Ansbach	SK-LK Fürth
G-229	Fürth	LK Dinkelsbühl
H-261	Dinkelsbühl	LK Eichstadt
H-262	Eichstadt	LK Feuchtwangen
H-263	Feuchtwangen	LK Gunzenhausen
H-264	Gunzenhausen	LK Hersbruck
H-265	Hersbruck	LK Hilpoltstein
H-266	Hilpoltstein	LK Weissenburg
H-267	Weissenburg	LK Rothenburg
H-268	Rothenburg	LK Schwabach
H-269	Schwabach	LK Scheinfeld
H-270	Scheinfeld	LK Uffenheim
H-271	Uffenheim	LK Lauf
H-272	Lauf	LK Neustadt a. d. Aisch
H-273	Neustadt a. d. Aisch	
Co B	Bamberg	SK-LK Bamberg
G-222	Bamberg	SK-LK Bayreuth
G-223	Bayreuth	

Capt G N Hultzen
Col E M Haight
Lt Col C Klise
Lt Col W R Whitaker Jr
Maj J D Cofer
Lt Col J W Hall
Maj W T Staats
1st Lt L D Smith
Maj H W Zurn
Maj H R Glaser
Maj H T Lund
Capt J J Carr
Maj R C Anderson
Maj R E Stringer
Maj H C Kauffmann
Maj E J Paul
Maj E N Humphrey
Maj F K Hinchey
2nd Lt B Lyons
Maj H L Woodall
Lt Col C J Reilly

UNIT	LOCATION	OFFICE OF MILITARY GOVERNMENT	DIRECTOR OR COMMANDING OFFICER
G-224	Erlangen	LK Erlangen	Lt Col F Robie
G-225	Coburg	SK-LK Coburg	Maj S Klein
G-226	Kronach	LK Kronach	Capt J F Begley
G-227	Hof	SK-LK Hof	Maj B P White
G-247	Lichtenfels	LK Lichtenfels	Lt Col J R Case
H-252	Ebermannstadt	LK Ebermannstadt	Capt J J Bianchi
H-253	Hochstadt	LK Hochstadt a. d. Aisch	Maj R G Hanford
H-254	Kulmbach	LK Kulmbach	Lt Col P B Lamson
H-255	Pegnitz	LK Pegnitz	Maj M F Skinner
H-256	Munchberg	LK Munchberg	Maj A C Abbott
H-258	Rehau	LK Rehau	Maj R H Dodds
H-259	Wunsiedel	LK Wunsiedel	Maj D H Alexander
H-260	Forchheim	LK Forchheim	Maj R J Nelson
I-347	Naila	LK Naila	1st Lt W P Morris
I-348	Stadtsteinach	LK Stadtsteinach	1st Lt H F Casademont

Regierungsbezirk Niederbayern & Oberpfalz

Co H	Regensburg	RB Niederbayern & Oberpfalz	1st Lt W S Mather
E-204	Regensburg	SK-LK Regensburg	Lt Col G D Hastings
F-212	Regensburg	SK Weiden &	Maj C G Doyle
G-230	Weiden	LK Neustadt a. d. Wald	
G-244	Amberg	SK-LK Amberg	Maj J C Robertson Jr
H-247	Cham	LK Cham	Maj J H Mattox
H-275	Burglengenfeld	LK Burglengenfeld	Capt L S Gagliardi
H-276	Parsberg	LK Parsberg	Capt E Fichter
H-277	Tirschenreuth	LK Tirschenreuth	Capt R E Boyd
H-278	Neunburg	LK Neunburg vorm Wald	Maj F P Murray
H-279	Eschenbach	LK Eschenbach i. d. Opf.	Capt S P Hinie
I-349	Kemnath	LK Kemnath	Capt W R Baylies
I-350	Nabburg	LK Nabburg	1st Lt T E McGee
I-351	Oberviechtach	LK Oberviechtach	Capt F N Shanbaker
I-352	Riedenberg	LK Riedenberg	Capt R A Berry
I-353	Vohenstrauß	LK Vohenstrauß	Capt C V Hansen
I-354	Roding	LK Roding	Capt S Lesneski
I-355	Waldmünchen	LK Waldmünchen	Capt C R Bucheit
I-356	Beilngries	LK Beilngries	Capt R D Canover
I-357	Neumarkt	LK Neumarkt i. d. Opf.	1st Lt L C Johnstone
I-358	Sulzbach-Rosenburg	LK Sulzbach-Rosenburg	Capt W N Blanton
G-243	Passau	SK-LK Passau	Capt A J Dann
G-245	Landshut	SK-LK Landshut	Maj W Wickersham
G-246	Straubing	SK-LK Straubing	Maj H J Mracbek
H-301	Deggendorf	LK Deggendorf	Maj H T Olsen
H-302	Eszenfelden	LK Eszenfelden	1st Lt O A Chiks
H-303	Grafenau	LK Grafenau	Maj E W Manning
H-304	Kelheim	LK Kelheim	Capt S Perlman
H-305	Landau	LK Landau a. d. Isar	Capt C T Hutson
H-306	Pfarrkirchen	LK Pfarrkirchen	Capt G C McCall
H-307	Zweisel	LK Regen	Capt W D Baird
H-308	Vilshofen	LK Vilshofen	Capt A R Sphar
H-309	Vilsbiburg	LK Vilsbiburg	Capt W J Fitzpatrick
H-310	Freyung	LK Wolstein	Capt F Harris
I-375	Bogen	LK Bogen	Capt R W Douglass
I-377	Dingolfing	LK Dingolfing	Capt A G Albert
I-378	Griesbach	LK Griesbach	Capt E M Martocci
I-379	Kötzting	LK Kötzting	Capt A S Gallant
I-380	Mainburg	LK Mainburg	Capt J W Fleishman
I-381	Mallersdorf	LK Mallersdorf	Capt J W Leidy
I-382	Rottenburg	LK Rottenburg	Capt C N Ahlstrom
I-383	Viechtach	LK Viechtach	1st Lt E A Russo
I-385	Wegscheid	LK Wegscheid	Capt A L Corcelius
			Capt H Walter

Regierungsbezirk Oberbayern

Co F	Munich	RB Oberbayern	1st Lt W M Ellis
E-205	Munich	SK-LK Munich	Lt Col R F Brooks
F-213	Munich	LK Garmisch-Partenkirchen	Lt Col E Keller Jr
G-236	Partenkirchen		Lt Col C H Heyl

UNIT	LOCATION	OFFICE OF MILITARY GOVERNMENT	DIRECTOR OR COMMANDING OFFICER
G-237	Ingolstadt	SK-LK Ingolstadt	Maj L H Norins
G-238	Munich	LK Munich	Maj M T Mawrence
H-286	Fürstenfeldbruck	LK Fürstenfeldbruck	Capt J J McBride
H-287	Landsberg	LK Landsberg	Capt M L Matt
H-288	Pfaffenhofen	LK Pfaffenhofen	Capt J E Thayer
H-289	Starnberg	LK Starnberg	Maj M W Nitz
H-290	Weilheim	LK Weilheim	Capt R J O'Dowd
H-291	Wolfrahausen	LK Wolfrahausen	Maj P L Steers
I-362	Aichach	LK Aichach	Capt L R Day
I-364	Schrobenhausen	LK Schrobenhausen	1st Lt R C Wiggins
I-367	Dachau	LK Dachau	Capt V A Burke
I-368	Schöngau	LK Schöngau	Maj C A Rein
Co E	Wasserburg		Capt D E Brown
G-231	Freising	LK Freising	Maj E Boney
G-232	Miesbach	LK Miesbach	Lt Col J Kelly
G-233	Traunstein	LK Traunstein	Maj C J Bischoff
G-234	Altötting	LK Altötting	Maj R L Montague
G-235	Rosenheim	SK-LK Rosenheim	Capt R H Neel
H-280	Erding	LK Erding	Maj C C Brown
H-281	Laufen	LK Laufen	1st Lt D L Price
H-282	Mühldorf	LK Mühldorf	Capt W M Forys
H-283	Wasserburg	LK Wasserburg	1st Lt A L Klinger
H-284	Bad Tölz	LK Tölz	Capt V Thom
H-285	Aibling	LK Aibling	Maj E J Newmeyer
H-311	Berchtesgaden	LK Berchtesgaden	Capt W Caruso
I-361	Ebersberg	LK Ebersberg	1st Lt C C Smith Jr

Regierungsbezirk Schwaben

Co G	Ziemetshausen		Capt O Meirhenry
E-206	Augsburg	RB Schwaben	Lt Col C M Avery
F-214	Augsburg	SK-LK Augsburg	Lt Col R A Norton
G-239	Dillingen	LK Dillingen	Maj Darragh
G-240	Weissenborn	LK Neu Ulm	Capt J M Latimer
G-241	Sonthofen	LK Sonthofen	Maj J E Rhea
G-242	Kempten	SK-LK Kempten	Capt B M Ziegler
H-292	Donaufürth	LK Donaufürth	Capt L A Proper
H-293	Günzburg	LK Günzburg	Capt M Glossop
H-294	Markt Oberdorf	LK Markt Oberdorf	Capt B M Green
H-295	Memmingen	LK Memmingen	Maj R F Wagner
H-296	Mindelheim	LK Mindelheim	Maj E C Bunker
H-297	Neuberg	LK Neuberg a. d. Donau	Capt H E Reeves
H-298	Nördlingen	LK Nördlingen	Capt S H Brown
H-299	Füssen	LK Füssen	Capt S D Lubin
H-300	Krumbach	LK Krumbach	Capt C E Witney
I-369	Illertissen	LK Illertissen	Capt F E Kettunen
I-370	Kaufbeuren	LK Kaufbeuren	1st Lt R E Lee
I-372	Wertingen	LK Wertingen	2nd Lt W A Graham
I-373	Friedberg	LK Friedberg	Capt L Sims
I-374	Schwabmünchen	LK Schwabmünchen	Capt L E Smith Jr

U. S. SECTOR, BERLIN DISTRICT

Office of Mil Govt (U. S. Sector Berlin)	Berlin	U. S. Sector, Berlin District (APO 755)	Col F L Howley
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BREMEN PORT COMMAND (APO 751)

Office of Mil Govt (Bremen Port Command)	Bremen	Bremen Port Command	Lt Col C H Scott
Office of Mil Govt for Bremen	Bremen	SK Bremen	Lt Col J M Shamel
Office of Mil Govt for Wesermünde	Wesermünde	SK Wesermünde	Lt Col L S Diggs